

1937

c 312 Children's Protection Act

Ontario

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CHAPTER 312.

The Children's Protection Act.

1. In this Act,—

Interpretation.

- (a) "Board" shall mean board of directors or executive committee of a children's aid society; R.S.O. 1927, c. 279, s. 1 (1). "Board."
- (b) "Boarding home" shall include any home or dwelling in which a child is placed or kept upon payment of compensation, whether such home or dwelling is privately occupied or forms part of, or is connected with a hospital or a correctional, custodial, charitable or any other institution; 1936, c. 8, s. 2 (1). "Boarding home."
- (c) "Child" shall mean a boy or girl actually or apparently under sixteen years of age; "Child."
- (d) "Children's aid society" or "society" shall mean a society approved by the Lieutenant-Governor in Council under the provisions of this Act, and, in a county or district in which there is no children's aid society, shall mean the Superintendent; "Children's aid society."
- (e) "Foster home" shall mean a home in which a neglected child may be placed; R.S.O. 1927, c. 279, s. 1 (a-c). "Foster home."
- (f) "Judge" shall mean judge or junior or acting judge of a county or district court, or magistrate, or judge of the juvenile court, when such magistrate or judge of the juvenile court has been designated by the Lieutenant-Governor in Council a judge within the meaning of this Act; R.S.O. 1927, c. 279, s. 1 (d); 1928, c. 46, s. 2 (1). "Judge."
- (g) "Local superintendent" shall mean the officer appointed by a children's aid society upon the approval of the Lieutenant-Governor in Council to carry out the provisions of this Act in the territory over which the children's aid society has jurisdiction; 1932, c. 37, s. 2 (2). "Local superintendent."
- (h) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act; 1931, c. 59, s. 2 (1). "Minister."

"Municipality."

- (i) "Municipality" shall mean a county, city or separated town, except that in a territorial district it shall mean a city, town, village or township; 1931, c. 59, s. 2 (2).

"Neglected child."

- (j) "Neglected child" shall mean,—

- (i) a child who is an orphan and who is not being properly cared for by anyone, or who is brought with the consent of the person in whose charge he is to the judge to be dealt with under the provisions of this Act;
- (ii) a child who is abandoned or deserted by his parents or only living parent or who is deserted by one parent and whose other parent is unable to maintain him;
- (iii) a child whose parents, only living parent, guardian, or other person in whose charge he may be, cannot by reason of disease, or misfortune, or infirmity, properly care for him;
- (iv) a child whose home, by reason of neglect, cruelty, or depravity on the part of his parents, guardian or other person in whose charge he may be, is an unfit and improper place for him;
- (v) a child found living or associating with a thief, drunkard, vagrant, prostitute or other dissolute person not its parent or living in or frequenting a house of ill fame;
- (vi) a child found begging or receiving alms in a public place or carrying on a street trade contrary to this Act, or loitering in a public place after nine o'clock in the evening after being warned as provided by section 16;
- (vii) a child who, with the consent or connivance of his parent or parents, commits any act which renders him liable to a fine or to be sent to any prison or reformatory institution under any Dominion or Provincial statute or municipal by-law;
- (viii) a child who by reason of inadequate parental control is delinquent or incorrigible, or who is growing up without salutary parental control or under circumstances tending to make him idle or dissolute;
- (ix) a child who, without sufficient cause, habitually absents himself from his home or school;

- (x) a child, born out of lawful wedlock, whose mother is unable to maintain him or unfit to care properly for him;
- (xi) a child whose parents neglect or refuse to provide or secure proper medical, surgical or remedial care or treatment necessary for his health or well-being, or who refuse to permit such care or treatment to be supplied to the child when ordered by competent authority;
- (xii) a child who is not being properly cared for and whose only parent is serving a term of imprisonment and who is brought, with the consent of the person in whose charge he is, to the judge to be dealt with under this Act;
- (xiii) a child who by reason of ill-treatment, cruelty, continual personal injury, grave misconduct or frequent intemperance by or of either of his parents or his guardian or other person in whose charge he may be, is in peril of loss of life, health or morality; R.S.O. 1927, c. 279, s. 1 (g); 1928, c. 46, s. 2 (2); 1936, c. 8, s. 2 (2).
- (k) "Parent" shall include everyone who as parent, guardian or head of a family is under a legal duty to provide necessities for any child; "Parent."
- (l) "Place of safety" shall include a shelter or temporary home established by a children's aid society or any institution established for the care and protection of children, or any place established as a temporary home under the provisions of section 4, but not a gaol prison, police station or lock-up; "Place of safety."
- (m) "Public place" shall mean a street, highway or lane, whether a thoroughfare or not, and a tavern or other place of public resort, to which the public have or are permitted to have access for the purposes of entertainment; R.S.O. 1927, c. 279, s. 1 (h-j). "Public place."
- (n) "Superintendent" shall mean the Provincial Superintendent of Neglected and Dependent Children. R.S.O. 1927, c. 279, s. 1 (k); 1932, c. 37, s. 2 (1). "Superintendent."

SUPERINTENDENT OF NEGLECTED CHILDREN.

2. The Lieutenant-Governor in Council may appoint an officer to be known as the Superintendent of Neglected and Dependent Children and such other officers and servants as may be deemed necessary, whose salaries shall be paid out of

Appointment and remuneration of Superintendent, etc.

such money as may be appropriated by the Legislature for that purpose, or partly out of money appropriated for children's aid work as directed by the Lieutenant-Governor in Council, and it shall be the duty of the Superintendent,—

Duties of Superintendent.

- (a) to encourage and assist in the establishment of children's aid societies;
- (b) to advise such societies and instruct them as to the manner in which their duties are to be performed;
- (c) to see that a record in such form as may be prescribed by the Superintendent is kept by such societies of all committals, and of all children placed in foster homes under this Act and of such other particulars as may be deemed desirable;
- (d) to direct and supervise the visiting of any place where a child is placed pursuant to the provisions of this Act;
- (e) to prepare and submit an annual report to the Minister; R.S.O. 1927, c. 279, s. 2 (a-e).
- (f) to keep accurate books of account of all moneys received by him as Superintendent showing in detail all receipts and payments;
- (g) to perform such other duties as may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1927, c. 279, s. 2 (g, h).

Superintendent acting in lieu of children's aid society.

3. The Superintendent shall have and may exercise, in a county or district in which there is no children's aid society, all the powers conferred on a children's aid society, and shall have power to appoint such person as he may see fit to act for him under this section. R.S.O. 1927, c. 279, s. 3.

CHILDREN'S SHELTERS.

Children's shelters.

4.—(1) For the better protection of neglected children, the corporation of every city or county shall provide, to the satisfaction of the Minister, one or more places of refuge for such children only, to be known as temporary homes or shelters, and shall adequately maintain the same to the satisfaction of the Minister.

Orphanages and children's homes.

(2) An orphanage or children's home may, with the consent of the trustees or governing body thereof, be used as a temporary home or shelter under this section, and when desirable in the circumstances of the particular case and not inconsistent

with the welfare of the children to be provided for, such temporary home or shelter may be established in a private family.

(3) Subject to the provisions of section 7, when a children's aid society has been established, it shall receive into the temporary home or shelter provided by or at the expense of the municipality all children found to be neglected under this Act and shall have their supervision and management.

Super-
vision of
shelters by
children's
aid society.

(4) Any children's aid society may furnish temporary shelter to any child with the consent of the parents or parent or person in charge of the child and may charge the municipality in which such child is resident with the maintenance thereof at a rate not exceeding \$1 per diem on the written requisition of the mayor or reeve of such municipality. R.S.O. 1927, c. 279, s. 4.

Temporary
shelter of
child by
children's
aid society.

(5) The corporation of a county and any cities and separated towns in the county or any two or more of them may, with the approval of the Minister, enter into an agreement to acquire a site for and erect and maintain thereon one or more joint temporary homes or shelters, and in such case it shall not be necessary for a county or a city to comply with the provisions of subsection 1.

Provision
for erection
of joint
shelters.

(6) The council of a county or a city for the purpose of subsection 1, and the council of a county, a city or separated town for the purposes of subsection 5, may, without the assent of the electors, borrow money by the issue of debentures payable within a period of fifteen years from the issue thereof, to meet the cost of, or its share of the cost of providing or acquiring a site for and erecting such temporary homes or shelters. 1930, c. 54, s. 2.

Borrowing
on deben-
tures to pay
cost or
share of
cost of
building.

CHILDREN'S COMMITTEES.

5.—(1) In any electoral district, town or village there may be established by the children's aid society of the county, or by the Superintendent, a committee consisting of not less than six persons, at least one-half of whom shall if practicable be women, to be known as the "children's committee," and the committee and the members thereof shall co-operate with the Superintendent and with the children's aid societies.

Children's
com-
mittees.

(2) The committee or any member thereof shall have and may exercise the powers conferred by sections 6 and 7 under the direction of the society, and may adopt such methods as they may think best for securing voluntary subscriptions to be devoted to carrying out the objects of this Act. R.S.O. 1927, c. 279, s. 5.

Powers of
committee.

APPOINTMENT AS PROBATION OFFICERS.

Powers as to probation.

Rev. Stat., c. 363.

6. The officers of a children's aid society may act as probation officers for the purpose of enforcing the provisions of this Act and of *The Industrial Schools Act*. R.S.O. 1927, c. 279, s. 6.

APPREHENSION OF NEGLECTED CHILDREN.

Neglected child—apprehension.

7.—(1) A constable or a person authorized under section 6 to act as a probation officer, or a chief constable or inspector of police may apprehend without warrant and take to a place of safety any apparently neglected child.

Proceedings before judge.

(2) The child shall be returned to its parents or guardians or be brought before the judge for examination within one week after apprehension, and the judge shall investigate the facts of the case and ascertain whether the child is a neglected child and its age, and the name, residence and religion of its parents.

Witnesses.

(3) The judge may compel the attendance of witnesses and may require the attendance of the Crown attorney upon such investigation, and for such attendance the Crown attorney shall be entitled to a fee of \$5 payable by the county.

Notification of parents, guardians, etc.

(4) The judge shall not proceed to hear or dispose of the matter until he is satisfied that the parents or the person having the actual custody of the child, if he is in the custody of any person other than a parent, have been notified of the investigation, or that every reasonable effort has been made, in the opinion of the judge, to cause them to be so notified.

Taking evidence on apprehension of child.

(5) The evidence of every witness shall be taken under oath and, unless taken by a stenographer, the judge shall cause the same to be taken down in writing, and signed by the witness in the same manner as upon a preliminary investigation before a justice.

Who may represent child.

(6) The judge may hear any person on behalf of the child.

Custody pending hearing.

(7) Pending the hearing or determination of any such case, the judge may make such order for the temporary custody and care of the child as he may deem proper. R.S.O. 1927, c. 279, s. 7 (1-7).

What order may be made by judge.

(8) If the judge shall find the child to be a neglected child, he may make any one of the following orders:

(a) That the case be adjourned *sine die* and that the child be returned to his parent or guardian or other person in whose charge he may be, subject to inspection and supervision by the children's aid society;

(b) That the child be temporarily committed to the care and custody of the children's aid society for such specified period as in the circumstances of the case he may deem necessary, provided, however, that such period shall not exceed twelve months; or

(c) That the child be committed permanently to the care and custody of the children's aid society. 1928, c. 46, s. 3 (1).

(9) Where the judge has ordered that a child returned to his parent or guardian or other person in whose charge he may be shall be under the inspection and supervision of the children's aid society, the society may at any time bring the case again before the judge for further and other consideration and action under this section, and where a child has been temporarily committed to the care and custody of the society, the society may at any time during the period of temporary commitment bring the case again before the judge for further and other consideration and action under this section, and if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again come before the judge and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or making a further order under subsection 8.

Procedure where child committed temporarily to care of society.

(10) During the period of temporary commitment, the society shall keep the child in a temporary home or shelter or in some other suitable place and shall exercise during such period, all the rights of the legal guardian of such child except as to proceedings under *The Adoption Act* and under section 13 of this Act. 1928, c. 46, s. 3 (2).

Custody of child during temporary commitment.

Rev. Stat., c. 218.

(11) The inquiry may be made at the hearing directed under subsection 2 or at any subsequent time as the judge may determine.

Inquiry,—when to be made.

(12) The order shall contain a statement of the facts so far as ascertained, and shall name the municipal corporation liable for maintenance, and shall be filed with the Superintendent, and the judge shall transmit a certified copy thereof to the children's aid society.

Order to be filed with Superintendent and society.

(13) The expense of conveying a child to any shelter or industrial school shall be paid by the treasurer of the county, city, separated town or provisional judicial district in which such child is domiciled, and the person conveying such child shall, when practicable, be an officer of a children's aid society.

Expenses of conveyance of child.

Proceedings to be certified to Superintendent.

(14) A certified copy of the evidence taken, and of other proceedings under the hand and seal of the judge, shall be transmitted to the Superintendent with the certified copy of the order of the judge. R.S.O. 1927, c. 279, s. 7 (10-13).

Notice to municipality before charging maintenance.

(15) A municipal corporation shall not be liable for the maintenance of a neglected child nor for the expenses incurred under subsection 13 unless and until the corporation has received two days' notice in writing of the intention to apply to the judge for an order declaring that the child was properly a resident of the municipality and that the corporation should be so liable for such maintenance or expenses. 1928, c. 46, s. 3 (3); 1930, c. 54, s. 3.

Application for commitment of child born out of wedlock. Rev. Stat. c. 217.

(16) No application for the commitment of a child born out of wedlock, shall be made without the consent in writing of the Provincial Officer designated under the provisions of *The Children of Unmarried Parents Act*. 1933, c. 59, s. 26.

Employment of local constables.

8. The Superintendent and any person acting under his authority, or a local superintendent, may call to his aid in the performance of his duties a constable of the locality, and the constable when so called shall be entitled for his services to the same fees as he would be entitled to for like services under *The Administration of Justice Expenses Act*, and the same shall be payable in like manner as the fees of constables are payable under that Act. R.S.O. 1927, c. 279, s. 8.

Rev. Stat., c. 141.

Committal of deserted child to a society.

9. The superintendent of any infants' or children's home or other public institution having the custody of children may bring before the judge any child who is neglected or deserted by his parents, or who is an orphan requiring guardianship, and the judge may make an order committing the child to the care of a children's aid society under the provisions of this Act. R.S.O. 1927, c. 279, s. 9.

MAINTENANCE OF CHILDREN.

Order for maintenance by municipality.

10.—(1) In any direction for the temporary custody and care of a child pending the hearing or determination of the case, the judge may order, and when committing a child to the custody or control of a children's aid society the judge shall order the payment by the corporation of the municipality to which the child belongs of a reasonable sum, not less than seventy-five cents a day, for the maintenance of the child by the society in a temporary home, an institution, a foster home or elsewhere where children are not cared for without compensation and in territory without municipal organization the

amount so ordered to be paid shall not exceed seventy-five cents a day. R.S.O. 1927, c. 279, s. 10 (1); 1932, c. 37, s. 4.

(2) Subject to the provisions of subsections 3 and 4, for the purposes of this section a child shall be deemed to belong to the municipality in which it has last resided for the period of one year, but, subject as aforesaid, in the absence of evidence to the contrary, residence for one year in the municipality in which the child was taken into custody shall be presumed. R.S.O. 1927, c. 279, s. 10 (2); 1936, c. 8, s. 3 (1). Where child belongs.

(3) Where the child has not resided in any municipality in Ontario for one year, the municipality in which the child's mother has last resided for one year at any time since the birth of such child or during the period of five years before the birth of such child shall be deemed to be the municipality to which such child belongs. R.S.O. 1927, c. 279, s. 10 (3); 1937, c. 72, s. 13 (1). Where mother's residence taken.

(4) In the computation of the time in subsections 2 and 3, the time during which the child or its mother was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded. R.S.O. 1927, c. 279, s. 10 (4). Periods to be excluded in fixing time.

(5) In all other cases the child shall be deemed to belong to the municipality in which it was taken into custody. 1937, c. 72, s. 13 (2). Other cases.

(6) A copy of the order, with a copy of the depositions, shall be forwarded by registered letter to the clerk of the municipality so declared liable for the expense of supporting the child. Order to be sent to clerk of municipality liable.

(7) Unless within one month after the mailing of the order the corporation of the municipality applies to the judge making the order, to vary such order by having some other municipality declared liable for the expense of supporting the child, the order shall be final and conclusive. Municipality disputing liability.

(8) The corporation of a municipality which has made a payment under the provisions of this section for the maintenance of a child in respect to whom some other municipal corporation is liable shall be entitled to recover the amount so paid from such other corporation. R.S.O. 1927, c. 279, s. 10 (6-8). Recovery from other municipalities.

Application
for addi-
tional main-
tenance.

(9) At any time after the commitment of the child to the care and custody of the children's aid society, the society may apply to the judge for an order for the payment of such additional maintenance as he may deem just. 1928, c. 46, s. 4.

Judge may
order parent
to contri-
bute.

11.—(1) The judge may order the parent of a child who has been committed to a children's aid society to contribute toward the child's maintenance, or to refund to the municipality the whole or any part of the sum which it has been ordered to pay. R.S.O. 1927, c. 279, s. 11 (1); 1928, c. 46, s. 5 (1).

Municipality
not relieved.

(2) Nothing in this section shall relieve the municipal corporation from payment when the parent is unable or refuses to contribute.

Enforcing
the order.

(3) An order made under this section may be enforced in the same manner as an order under *The Deserted Wives' and Children's Maintenance Act*. R.S.O. 1927, c. 279, s. 11 (3, 4).

Rev. Stat.
c. 211.

"Child"
meaning of.

12. For the purposes of sections 10 and 11 "child" shall include a boy or a girl over the age of sixteen years of whom a children's aid society is the legal guardian under this Act. 1934, c. 3, s. 2.

SELECTING FOSTER HOMES.

Power and
duty of
the society.

13.—(1) The children's aid society to the care of which a child has been permanently committed shall be the legal guardian of such child, until such child has attained the age of twenty-one years or is adopted under the provisions of *The Adoption Act*, or some other legal guardian is appointed, or the guardianship is renounced by the children's aid society with the approval of the Superintendent, and it shall be the duty of such society to use diligence in providing a suitable home for such child. R.S.O. 1927, c. 279, s. 12 (1); 1928, c. 46, s. 6.

Rev. Stat.,
c. 218.

Society
may place
child in
foster home.

(2) The society may place the child in a foster home during minority, or for any shorter period in the discretion of such society, under a written contract which shall provide for the education of the child in accordance with the school law of Ontario, for teaching the child some useful occupation, for its kind and proper treatment as a member of the family, and for the payment to the society for the benefit of the child of any sum of money that may be provided for in the contract, and shall contain a provision reserving the right to withdraw the child from any person having his custody when, in the opinion of the society, or the Superintendent, the welfare of the child so requires. R.S.O. 1927, c. 279, s. 12 (2).

(3) All such agreements shall be filed with the Superintendent, and the society shall in the month of January of each year report to the Superintendent all money received by it under such agreements. R.S.O. 1927, c. 279, s. 12 (4). Filing of agreements.

PENALTY FOR ILL-TREATMENT.

14.—(1) Any person having the care, custody, control or charge of a child who abandons, deserts, neglects or fails to support such child or inflicts unreasonable cruelty or ill-treatment upon such child not constituting an assault, shall be guilty of an offence and upon summary conviction thereof shall incur a penalty not exceeding \$100 and shall, in lieu of or in addition thereto, be liable to imprisonment for a term not exceeding one year. R.S.O. 1927, c. 279, s. 13; 1928, c. 46, s. 7. Deserting, neglecting, etc.
Penalty.

(2) The judge may in all cases arising under this section make such order regarding the maintenance and custody of any such child, and the right of access thereto of any person, or of either parent, having regard to the welfare of the child, and to the conduct of the parent or person, and to the wishes of the mother as well as of the father, and may at any time alter, vary or discharge any order so made. Power of judge.

(3) Any maintenance order so made may be enforced in the same manner as an order for the payment of money under *The Deserted Wives' and Children's Maintenance Act*. 1929, c. 23, s. 15 (1). Enforcing maintenance order.
Rev. Stat., c. 211.

STREET TRADES.

15.—(1) No girl under sixteen years of age and no boy under twelve years of age shall engage in or be licensed or permitted to engage in any street trade or occupation. Street trades.

(2) No boy under sixteen years of age shall engage in any street trade or occupation between the hours of ten o'clock in the afternoon and six o'clock in the forenoon of the following day. R.S.O. 1927, c. 279, s. 14. Boys under sixteen.

CHILDREN OUT AT NIGHT.

16.—(1) No child shall loiter in any public place after nine o'clock in the afternoon or be in any place of public resort or entertainment after that hour unless accompanied by his parent or guardian or an adult appointed by the parent or guardian to accompany such child. Child in public place at night.

(2) A child found violating the provisions of subsection 1 may be warned by any constable or probation officer or officer of a children's aid society, and if such warning is not regarded, To be warned and taken home or to shelter.

or after such warning the child is again found disobeying the provisions of this section, such child may be taken by the constable or officer to his home or to the children's shelter.

Penalty
for parent.

(3) A parent who permits his child to violate this section shall upon summary conviction thereof for the first offence incur a penalty of \$1 without costs, and for a second offence \$2, and for a third or any subsequent offence, \$5. R.S.O. 1927, c. 279, s. 15.

CAUSING CHILDREN TO BE NEGLECTED.

Offences.

17.—(1) Any person who,—

Causing
child to beg,

(a) causes or procures a child to be in any public place for the purpose of begging or receiving alms or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale or otherwise; or

to perform
or sell in
public after
9 p.m.,

(b) causes or procures a child to be in any public place for the purpose of singing, playing, or performing for profit, or offering anything for sale between nine o'clock in the afternoon of one day and seven o'clock of the following morning; or

to be in
circus, etc.,
for purpose
of perform-
ing.

(c) subject to the provisions of subsection 2, causes or procures any child to be at any time for the purpose of singing, playing or performing for profit or offering anything for sale in any circus, theatre or other place of public amusement to which the public are admitted by payment;

Penalty.

shall upon summary conviction thereof incur a penalty not exceeding \$100 and in lieu of, or in addition thereto, shall be liable to imprisonment for a term not exceeding one year.

Permission
for child to
perform in
public.

(2) In the case of any entertainment or series of entertainments to take place in premises used for public entertainment or in any circus, theatre or other place of public amusement, where it is shown that proper provision has been made to secure the health and kind treatment of a child proposed to be employed thereat, the head of the council of the municipality may grant a license for such time and during such hours of the day and subject to such restrictions and conditions as he may think fit for any child over ten years of age of whose fitness to take part in such entertainment or series of entertainments without injury he is satisfied, and such license may at any time be varied, added to or revoked by him.

Officer to be
appointed to
supervise.

(3) The municipal council shall assign to some person the duty of seeing that the restrictions and conditions of any

license granted under the authority of this section are duly complied with, and such person shall have power to enter, inspect and examine any place at which the employment of a child is for the time being licensed, and that duty shall be discharged by the chief constable of the municipality until some other person is appointed. R.S.O. 1927, c. 279, s. 16.

POWER OF SEARCH.

18.—(1) If it appears to a judge or a justice of the peace, on information laid before him on oath,—

Search for neglected child.

- (a) that there is reasonable cause to suspect that a child has been or is being ill-treated or neglected in any place within the jurisdiction of such justice; or
- (b) that a child who is a ward of the children's aid society has been unlawfully removed from the custody of such society and is being concealed or harboured in any place within his jurisdiction;

such justice may issue a warrant authorizing any person named therein to search for such child and to take it to and detain it in a place of safety until it can be brought before a judge, and the judge before whom the child is brought may cause it to be dealt with as provided for in this Act.

(2) Any person authorized by the warrant may enter, if need be by force, any house, building or other place specified in the warrant and may remove the child therefrom.

Right of entry.

(3) It shall not be necessary in any information or warrant laid or issued under the provisions of this section to describe the child by name. R.S.O. 1927, c. 279, s. 17.

Particular description not needed.

INTERFERING WITH WARDS.

19.—(1) No person shall,—

- (a) induce any child in the custody or control of any children's aid society, immigration society, children's institution or industrial school to leave the building and premises of such institution;
- (b) induce or attempt to induce a child under the age of twenty-one years to leave any service or apprenticeship or any place where the child has been lawfully placed for the purpose of being nursed, supported, educated, adopted or employed;
- (c) induce or attempt to induce any child under the age of twenty-one years to break any articles of apprenticeship or agreement lawfully entered into by or

Interfering with wards of children's aid society.

with the authority of the trustees or directors or governing body of any such children's aid society, immigration society, home or institution respecting such child; or

- (d) detain or harbour such child after demand made by or on behalf of any officer of any such society or institution for delivery up of such child. R.S.O. 1927, c. 279, s. 18 (1).

Penalty.

(2) A person who violates the provisions of this section shall upon summary conviction thereof incur a penalty not exceeding \$100 and shall also be liable to imprisonment for a period of one year. R.S.O. 1927, c. 279, s. 18 (2).

Judge upon summary conviction may suspend sentence.

20. The judge, upon the summary conviction of any person charged before him with a violation of any of the provisions of this Act, may impose conditions upon such person and may suspend sentence subject to such conditions, and upon proof at any time of the violation of any condition so imposed, may pass sentence upon such person. R.S.O. 1927, c. 279, s. 19.

JUVENILE OFFENDERS.

Separate custody of juvenile offenders.

21.—(1) A child charged with an offence or who is brought before a judge under any of the provisions of this Act shall not, before trial or examination, be confined in a lock-up or a police cell used for persons charged with crime, nor, save as hereinafter mentioned, shall such child be tried or have its case disposed of in the magistrate's court room ordinarily used.

Municipalities to make provision.

(2) The council of every local municipality shall make provision for the separate custody and detention of such child prior to its trial or examination by arrangement with some person or society willing to undertake the responsibility of such temporary custody or detention on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-ups or police cells.

Children's courts.

(3) The judge shall try such child or examine into its case and dispose thereof in premises other than the ordinary magistrate's court premises or, where this is not practicable, in the private office of the judge, if he has one, or in some other room in the municipal building.

Inquiry may take place in premises of society.

(4) Where a children's aid society possesses premises affording the necessary facilities and accommodation, a child may, after apprehension under the provisions of this Act, be temporarily taken charge of by the society until its case is

disposed of, and the judge may hold the examination into the case of such child in the premises of the society.

(5) Where a child or a parent charged with an offence in respect of a child under this Act is being tried, the judge may exclude from the room or place where such person is being tried or examined all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society and the immediate friends or relatives of the child or parent. R.S.O. 1927, c. 279, s. 20.

Trial of child or parent—excluding public.

NOTIFYING SOCIETY'S AGENT.

22.—(1) Where a complaint is made or pending against a child, the police official having charge of the child shall at once cause notice in writing to be given to the executive officer of the children's aid society, if there be one in the county or district, who shall have opportunity allowed him to investigate the charge.

Notice of complaint against child to be sent to society.

(2) Upon receiving such notice the officer may inquire into and make full examination as to the parentage and surroundings of the child and all the circumstances of the case and report the same to the judge in open court.

Society's officer to make inquiry.

(3) Where it appears to the judge that the public interest and the interest of the child will be best served thereby, an order may be made for the return of the child to its parents or friends, or the judge may place such child under the guardianship of the children's aid society or of an industrial school. R.S.O. 1927, c. 279, s. 21.

Judge may order society to take charge of child.

DISPOSAL OF YOUTHFUL OFFENDERS.

23.—(1) The judge instead of committing a child to prison may hand over the child to the charge of a home for destitute and neglected children or industrial school or children's aid society, and the managers of such home, school or society may permit its adoption by a suitable person, or may apprentice it to a suitable trade, calling or service.

Judge may hand over child to home or industrial school.

(2) The parents of such child shall not remove or interfere with the child so adopted or apprenticed except by permission in writing of the home, school or society. R.S.O. 1927, c. 279, s. 22.

Interference by parent.

CHILDREN UNDER ARREST.

24. A child held for trial or under sentence in any gaol or other place of confinement shall not be placed or allowed to remain in the same cell or room in company with adult prisoners, and the officer in charge of such place of confinement

Child not to be confined in company of adult offenders.

shall secure the exclusion of such child from the society of adult prisoners during its confinement. R.S.O. 1927, c. 279, s. 23.

DOUBT AS TO AGE.

Presumptive age of child.

25. Where a person is charged with an offence under this Act in respect of a child who is alleged to be under a specified age, and the child appears to the judge to be under that age, such child shall for the purposes of this Act be deemed to be under that age unless the contrary is proved. R.S.O. 1927, c. 279, s. 24.

APPLICATION FOR PRODUCTION OF CHILD.

Application to court for production of child.

26.—(1) Where a parent applies to a judge of the Supreme Court for an order for the production of a child committed under this Act, and the judge is of opinion that the parent has neglected or deserted the child or that he has otherwise so conducted himself that the judge should refuse to enforce his right to the custody of the child the judge may, in his discretion, decline to make the order.

Court may order compensation.

(2) If at the time of the application the child is being brought up by another person or has been placed out by a children's aid society, the judge, if he directs the child to be given up to the parent, may order that the parent shall pay to such person or society the whole of the expense properly incurred in bringing up the child, or such portion thereof as may seem just.

Order when child deserted or brought up by others.

(3) Where a parent has,—

(a) abandoned or deserted his child; or

(b) allowed his child to be brought up by another person at that person's expense, or by a children's aid society, for such time and under such circumstances as to satisfy the Court that the parent was unmindful of his parental duties;

the judge shall not make an order for the delivery of the child to the parent unless he satisfies the judge that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

Order as to religious education.

(4) If the judge is of opinion that the parent ought not to have the custody of the child, but that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child shall be brought up, the judge shall have power to make such order

as he may think fit to secure that the child be brought up in that religion.

(5) Nothing in this section shall affect the power of the judge to consult the wishes of the child in determining what order ought to be made or any right which a child now possesses to exercise its own free choice. R.S.O. 1927, c. 279, s. 25. Child's wishes to be consulted.

RELIGION OF CHILD.

27.—(1) A Protestant child shall not be committed to the care of a Roman Catholic children's aid society or institution, nor shall a Roman Catholic child be committed to a Protestant children's aid society or institution, and a Protestant child shall not be placed out in any Roman Catholic family as its foster home, nor shall a Roman Catholic child be placed out in any Protestant family as its foster home. Roman Catholic and Protestant child.

(2) This section shall not apply to the care of a child in a temporary home or shelter in a municipality in which there is but one children's aid society. Where only one society in municipality.

(3) A child shall be deemed to be a Protestant child if its father is a Protestant, and a child shall be deemed to be a Roman Catholic child if its father is a Roman Catholic, unless it is shown that an agreement had been entered into in writing, signed by the parents, that the child should be brought up in the faith of its mother and that faith is not the faith of its father. When child to be deemed Protestant or Roman Catholic.

(4) The illegitimate child of a Protestant mother shall be deemed to be a Protestant child, and the illegitimate child of a Roman Catholic mother shall be deemed to be a Roman Catholic child. R.S.O. 1927, c. 279, s. 26. Illegitimate child.

RIGHT OF INSPECTION.

28. Every society or person to whose care a child is committed under the provisions of this Act, and every person entrusted with the care of any such child, shall from time to time permit such child to be visited, and any place where such child may be or reside to be inspected by the Superintendent or any person duly authorized in that behalf. R.S.O. 1927, c. 279, s. 27. Right of Superintendent to inspect.

AID FROM MUNICIPALITY.

29. The council of every municipality shall have power to pass by-laws for the levying of such amounts as it may be deemed necessary or desirable to raise for the purpose of complying with any obligation imposed on such municipality Municipal by-laws in aid.

by any provision of this Act, or for the purpose of affording to a children's aid society such other assistance as may be deemed desirable. R.S.O. 1927, c. 279, s. 28.

JUVENILE IMMIGRATION.

Authority
to bring
children
into
Ontario.

30.—(1) The Lieutenant-Governor in Council may authorize any society or agent to carry on the work of bringing into Ontario neglected or dependent children, who are not feeble minded and who before arrival in Ontario are certified by a duly qualified medical practitioner to be free from disease of any kind, for the purpose of providing foster homes for such children or binding them as apprentices or otherwise. R.S.O. 1927, c. 279, s. 29 (1).

Conditions
of authority.

(2) Authority to bring such children into Ontario shall only be granted on condition that if any such child becomes, within five years of his immigration, an inmate of a prison, hospital or other charitable institution where such child is likely to become a permanent charge, the Superintendent shall notify the society or agent under whose auspices the child was brought into Ontario in order that such child may be deported. R.S.O. 1927, c. 279, s. 29 (2); 1932, c. 37, s. 6.

Societies to
keep records.

31.—(1) Every such society or agent shall keep a record in a register prescribed by the Superintendent for that purpose of the names of all children brought into Ontario, their ages and such particulars as may be required to indicate the provision made for each child's adoption or apprenticeship, and a copy of the records made by each society or agent shall be filed with the Superintendent on the 1st days of January and July of each year.

Penalty for
false return.

(2) Any society or agent who knowingly makes or is a party to the making of or procuring to be made, directly or indirectly, any false return shall incur a penalty of \$1,000 which may be recovered with costs by action at the suit of the Crown only. R.S.O. 1927, c. 279, s. 30.

Duties of
societies
and agents
as to
children
brought
into
Ontario.

32. Every society or agent shall maintain careful supervision over every child brought or caused or procured to be brought into Ontario by such society or agent until such child attains the age of eighteen years, and it shall be the duty of such society or agent to cause a personal visit by an agent, specially appointed for that purpose, to be made to each such child at least once in every year until the child has attained such age, and for the purposes of this Act, and for the protection of the person and earnings of the child, the society or

agent, until the child attains the age of eighteen years, shall have all the powers and shall perform all the duties by law provided in the case of the guardian of an infant. 1929, c. 23, s. 15 (2).

INCORPORATION OF CHILDREN'S AID SOCIETIES.

33. A children's aid society may be formed having among its objects the purposes of the protection of children from cruelty, the care and control of neglected children, and generally the discharge of the functions of a children's aid society under this Act, but no such society shall be authorized to act as such until the formation of the society has been approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 279, s. 31.

Formation
of children's
aid society.

34.—(1) Upon the approval of the Lieutenant-Governor in Council a children's aid society shall become a body corporate and politic and may buy, sell, lease, hold or otherwise deal with real and personal property for the purposes of the society and may contract in its corporate name. R.S.O. 1927, c. 279, s. 32.

Society
may hold
property.

(2) The Lieutenant-Governor in Council may make regulations respecting the mode of incorporation of children's aid societies and the fees, if any, to be paid on incorporation, and may for such societies prescribe a model or standard form of constitution and by-laws with power to approve any variations therefrom as the circumstances applicable in respect to any such society may seem to warrant. 1931, c. 59, s. 3.

Mode of
incorpora-
tion and
model con-
stitution,
etc.

(3) The constitution and by-laws of every children's aid society shall contain such provisions for the proper care, treatment and inspection of all children of which it is the legal guardian or which are in any way in its charge, as the regulations may prescribe, and a certified copy of the constitution and by-laws of a children's aid society shall be filed with the Department forthwith after the same are adopted and shall be subject to the approval of the Minister.

Constitution
and by-laws
to be filed
with De-
partment.

(4) It shall be the duty of the directors or members of the executive committee of a children's aid society to ensure that the provisions of its constitution and by-laws for the proper care, treatment and inspection of all children of which it is the legal guardian or which are in any way in its charge, are observed, performed and carried out.

Duty of
directors
and mem-
bers of
executive
committee.

(5) The Lieutenant-Governor in Council upon the recommendation of the Minister may at any time dissolve a children's aid society or without dissolving the society may dismiss from

Power to
dissolve
society
or dismiss
officers.

office the board of directors or executive committee or any officer or officers thereof and direct, in case of such dismissal, the election or appointment as the case may be of a new board, committee or officer in its or his place. 1934, c. 3, s. 3.

Dissolution
of society.

35. If a society or committee established under this Act ceases to exist or is dissolved by the Lieutenant-Governor in Council, or does not hold a meeting for a period of six months, the secretary or other officer shall deliver to the Superintendent all books, documents, records and financial statements, and pay over to him all trust funds on hand, and the society or committee shall thereupon be dissolved and its property shall be vested in the Minister, and the Superintendent shall then reorganize the work or make such arrangements for carrying it on as the Minister may approve. R.S.O. 1927, c. 279, s. 33.

Government
and officers
of children's
aid society.

36. A children's aid society shall be governed by a board of directors or executive committee composed of a president, one or more vice-presidents, a secretary, a treasurer, a local superintendent, and such other officers and members as may be determined, elected in such manner and for such period as is provided by the constitution or by-laws of the society. R.S.O. 1927, c. 279, s. 34.

Local
superin-
tendents.

37. Two or more children's aid societies may appoint the same local superintendent. R.S.O. 1927, c. 279, s. 35.

Powers of
local super-
intendents.

Rev. Stat.
cc. 367, 135.

38. Every local superintendent of a children's aid society shall for the purposes of this Act be vested with the powers of a peace officer or a school attendance officer under *The School Attendance Act*, and he shall be deemed an officer within the meaning of section 10 of *The Public Authorities Protection Act* and the said section and other provisions of the said Act shall apply to him in the same manner and to the same extent as to the other officers mentioned in the said section 10. R.S.O. 1927, c. 279, s. 36.

Revocation
of approval.

39. The Lieutenant-Governor in Council may at any time revoke his approval of any children's aid society and thereupon the said society shall be dissolved. R.S.O. 1927, c. 279, s. 37.

Regulations.

40. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

(a) governing the duties and scope of a children's aid society;

- (b) providing for the appointment of a local superintendent by a children's aid society and prescribing his duties under this Act or any other child welfare Act;
 - (c) generally for the better carrying out of the provisions of this Act. 1932, c. 37, s. 7.
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